



**Town of Hilton Head Island  
Planning Commission  
LMO Committee**

**Tuesday, September 20, 2016  
9:00 a.m. – Benjamin M. Racusin Council Chambers  
AGENDA**

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As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

- 1. Call to Order**
- 2. Freedom of Information Act Compliance**  
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 3. Approval of Agenda**
- 4. Approval of Minutes** – Meeting held on September 8, 2016
- 5. LMO Amendments**
  - a. Discuss draft 2016 LMO Amendments – 2<sup>nd</sup> Set
- 6. Adjournment**

*Please note that a quorum of Town Council may result if four or more of their members attend this meeting. A quorum of Planning Commissioners may result if five or more of their members attend this meeting.*

**TOWN OF HILTON HEAD ISLAND**  
**LMO Committee Meeting**  
**September 8, 2016 – 10:00 a.m.**  
**Benjamin M. Racusin Council Chambers**

Committee Members Present: Chairman Jim Gant, Lavon Stevens, Barry Taylor, Todd Theodore

Committee Members Absent: None

Other Commissioners Present: Alex Brown

Town Council Present: None

Town Staff Present: Teri Lewis, LMO Official; Jeff Buckalew, Town Engineer; Bates Rambow, Stormwater Data & Compliance Administrator; Rocky Browder, Environmental Planner; Teresa Haley, Administrative Assistant

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**1. Call to Order**

Chairman Gant called the meeting to order at 10:00 a.m.

**2. Freedom of Information Act**

Public Notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and Town of Hilton Head Island requirements.

**3. Approval of the Agenda**

The agenda was **approved** as presented by general consent.

**4. Approval of the Minutes**

The August 15, 2016 minutes were **approved** by general consent.

**5. New Business**

**LMO Amendments**

- a. Discuss draft 2016 LMO Amendments – 2<sup>nd</sup> Set

Chairman Gant welcomed those in attendance and asked Staff to begin the discussion of the draft 2016 LMO Amendments – 2<sup>nd</sup> Set. Mr. Buckalew and Mr. Rambow went through the proposed stormwater LMO amendments. The Committee, Staff and public discussed in-depth stormwater management and erosion and sedimentation control standards, as well as development within required buffers. The Committee, Staff and public discussed their concerns with the proposed changes and made suggestions to create more flexibility. Staff will further research and incorporate comments from today's discussion and bring back to the Committee for review at the next meeting.

Mr. Browder went through the proposed natural resources LMO amendments. The Committee and Staff discussed development on dunes; pre-construction underbrushing; specimen tree preservation; minimum tree coverage standard; standards for supplemental and replacement trees; tree mitigation fee; and defined invasive species.

*(Mr. Theodore recused himself from the discussion of draft LMO amendments in connection with multi-level self-service storage due to a professional conflict of interest. A Conflict of Interest form was completed and signed, and attached to the record.)*

Ms. Lewis went through the proposed multi-level self-service storage LMO amendments. Ms. Lewis stated the proposed multi-level self-service storage LMO amendments are proposed to be allowed in the same districts where self-service storage is currently allowed, which are the Light Commercial (LC), Light Industrial (IL), and Sea Pines Commercial (SPC). These proposed amendments include: specifying use allowed by conditions; adding in the specific density; adding in the conditions related to street setback and use setback; and adding in the defined term “multi-level self-service storage”. The Committee, Staff and public discussed concerns for allowing existing storage facilities the same increase in density as proposed for multi-level self-service storage facilities.

Due to time constraints, the Staff and the Committee decided to complete their review and discussion of the proposed LMO amendments at a future meeting. Staff will confirm the date and availability of the Committee.

**6. Adjournment**

The meeting was adjourned at 11:28 a.m.

Submitted By:

Approved By:

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Teresa Haley  
Administrative Assistant

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Jim Gant  
Chairman

# EXHIBIT A

## DRAFT 2016 LMO AMENDMENTS – 2<sup>nd</sup> Set

### LMO COMMITTEE MEETING 9/20/16

#### CHAPTER 16-3: ZONING DISTRICTS

##### *Sec.16-3-104. - Residential Base Zoning Districts*

A. – D. No Changes

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**Staff Explanation:** This change establishes a density for a Bed and Breakfast use.

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E. Low to Moderate Density Residential (RM-4) District

RM-4 Low to Moderate Density Residential District			
1. No Change			
2. No Change			
3. Development Form Standards			
MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Residential	4 du (6 du if <b>lot</b> area is at least 3 acres; 8 du if <b>lot</b> area is at least 5 acres)	Max. <b>Impervious Cover</b> for All <b>Development</b> Except <b>Single-Family</b>	35%
<u>Bed and Breakfast</u>	<u>10 rooms</u>		

Nonresidential	6,000 GFA	Min. <b>Open Space</b> for Major Residential <b>Subdivisions</b> 16%
<b>MAX. BUILDING HEIGHT</b>		
All <b>Development</b>	35 ft <sup>1</sup>	

*Sec.16-3-105. - Mixed-Use and Business Districts*

A. No Changes

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**Staff Explanation:** This change will allow a Commercial Parking Lot as a permitted use in the CR zoning district with conditions.

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B. Coligny Resort (CR) District

<b>CR Coligny Resort District</b>			
<b>1. No Change</b>			
<b>2. Allowable Principal Uses</b>			
	<b>USE-SPECIFIC CONDITIONS</b>	<b>MINIMUM NUMBER OF OFF-STREET PARKING SPACES<sup>1</sup></b>	
<b>Vehicle Sales and Services</b>			
<u><b>Commercial Parking Lot</b></u>	<u>PC</u>	<u>Sec. 16-4- 102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>
<b>3. No Change</b>			

**Staff Explanation:** This change will allow a Commercial Parking Lot as a permitted use in the CC zoning district with conditions.

C. Community Commercial (CC) District

<p style="font-size: 24pt; margin: 0;">CC</p> <p style="font-size: 24pt; margin: 0;">Community Commercial District</p>			
1. No Change			
2. Allowable Principal Uses			
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Vehicle Sales and Services			
<u>Commercial Parking Lot</u>	<u>PC</u>	<u>Sec. 16-4-102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>
3. No Change			

**Staff Explanation:** This change will allow a Commercial Parking Lot as a permitted use in the LC zoning district with conditions. This change will also add multi-level self-service storage as an allowed use with conditions in the LC zoning district and establish a maximum density for this use.

D. Light Commercial (LC) District

<p style="font-size: 24pt; margin: 0;">LC</p> <p style="font-size: 24pt; margin: 0;">Light Commercial District</p>			
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<b>1. No Change</b>			
<b>2. Allowable Principal Uses</b>			
		<b>USE-SPECIFIC CONDITIONS</b>	<b>MINIMUM NUMBER OF OFF- STREET PARKING SPACES</b>
<b>Vehicle Sales and Services</b>			
<u><b>Commercial Parking Lot</b></u>	<u>PC</u>	<u>Sec. 16-4-102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>
<b>Industrial Uses</b>			
<u><b>Multi-Level Self-Service Storage</b></u>	<u>PC</u>	<u>Sec. 16-4-102.B.9.c</u>	<u>1 per 15,000 GFA of storage and office area</u>
<b>3. Development Form Standards</b>			
<b>MAX. DENSITY (PER NET ACRE)</b>			<b>LOT COVERAGE</b>
Residential <sup>1</sup>	4 du		Max. <b>Impervious Cover</b>  60%
<b>Hotel</b> <sup>1</sup>	35 rooms		Min. <b>Open Space</b> for Major Residential <b>Subdivisions</b>  16%
Nonresidential <sup>2,3,4</sup>	10,000 GFA		
<b>MAX. BUILDING HEIGHT</b>			
<b>All Development</b>	45 ft <sup>4,5</sup>		
<b>USE AND OTHER DEVELOPMENT STANDARDS</b>			
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.			

**TABLE NOTES:**

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = **dwelling units**; sf = square feet; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

1. No Change
2. No Change
3. No Change

4. The maximum density for **multi-level self-service storage** shall be 55,000 GFA.

45. May be increased by up to ten percent on demonstration to the **Official** that:

a. – f. No Change

**Staff Explanation:** This change will allow a Commercial Parking Lot as a permitted use in the IL zoning district with conditions. This change will also add multi-level self-service storage as an allowed use with conditions in the IL zoning district and establish a maximum density for this use.

E. Light Industrial (IL) District

<p><b>IL</b></p> <p><b>Light Industrial District</b></p>			
1. No Change			
2. Allowable Principal Uses			
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
<b>Vehicle Sales and Services</b>			
<u><b>Commercial Parking Lot</b></u>	<u>PC</u>	<u>Sec. 16-4-102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>

**Industrial Uses**

<u><b>Multi-Level Self-Service Storage</b></u>	<u>PC</u>	<u>Sec. 16-4-102.B.9.c</u>	<u>1 per 15,000 GFA of storage and office area</u>
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**3. Development Form and Parameters**

**MODIFIED ADJACENT STREET SETBACK STANDARDS**

Adjacent Street Setback	No Change
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<b>MAX. DENSITY (PER NET ACRE)</b>		<b>LOT COVERAGE</b>
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Nonresidential <b>Development</b>	10,000 GFA	Max. <b>Impervious Cover</b>	65%
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<b>MAX. BUILDING HEIGHT</b>	
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All <b>Development</b>	35 ft <sup>1</sup>
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**USE AND OTHER DEVELOPMENT STANDARDS**

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

**TABLE NOTES:**

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = **dwelling units**; sf = square feet; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

1. The maximum density for **multi-level self-service storage** shall be 55,000 GFA.

±2. May be increased by up to ten percent on demonstration to the **Official** that:

a. - f. No Change

**Staff Explanation:** This change establishes a density for a Bed and Breakfast use.

F. Main Street (MS) District

<b>MS Main Street District</b>			
1. No Change			
2. No Change			
3. Development Form Standards			
MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Residential	12 du	Max. <i>Impervious Cover</i>	60%
<u><i>Bed and Breakfasts</i></u>	<u>10 rooms</u>		
<i>Hotel</i>	35 rooms	Min. <i>Open Space</i> for Major Residential <i>Subdivisions</i>	16%
Nonresidential	9,000 GFA		
MAX. BUILDING HEIGHT			
<i>All Development</i>	45 ft <sup>1</sup>		
USE AND OTHER DEVELOPMENT STANDARDS			
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.			
TABLE NOTES:			
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special			

Exception; du = **dwelling units**; sf = square feet; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable  
 1. No Change

**Staff Explanation:** This change will allow a Commercial Parking Lot as a permitted use in the MF zoning district with conditions. This change also establishes a density for a Bed and Breakfast use.

G. Marshfront (MF) District

<b>MF Marshfront District</b>				
<b>1. No Change</b>				
<b>2. Allowable Principal Uses</b>				
		<b>USE-SPECIFIC CONDITIONS</b>	<b>MINIMUM NUMBER OF OFF- STREET PARKING SPACES</b>	
<b>Vehicle Sales and Services</b>				
<u><b>Commercial Parking Lot</b></u>	<u>PC</u>	<u>Sec. 16-4-102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>	
<b>3. Development Form Standards</b>				
<b>MAX. DENSITY (PER NET ACRE)</b>			<b>LOT COVERAGE</b>	
Residential	Along major arterials	4 du (8 du if <b>lot</b> area is at least 3 acres)	Max. <b>Impervious Cover</b>	60%
	Along other <b>streets</b>	6 du (10 du if <b>lot</b> area is at least 3 acres)	Min. <b>Open Space</b> for Major Residential <b>Subdivisions</b>	16%

<u><i>Bed and Breakfasts</i></u>	<u>10 Rooms</u>	
Nonresidential	7,000 GFA	
<b>MAX. BUILDING HEIGHT</b>		
All <i>Development</i>	45 ft <sup>1</sup>	
<b>USE AND OTHER DEVELOPMENT STANDARDS</b>		
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.		
<b>TABLE NOTES:</b>		
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <i>dwelling units</i> ; sf = square feet; GFA = <i>gross floor area</i> in square feet; ft = feet; n/a = not applicable		
1. No Change		

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**Staff Explanation:** This change establishes Group Living, which includes assisted living facilities, as an approved use in the Medical zoning district.

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H. Medical (MED) District

<b>MED</b>		
<b>Medical District</b>		
<b>1. No Change</b>		
<b>2. Allowable Principal Uses</b>		
	<b>USE-SPECIFIC CONDITIONS</b>	<b>MINIMUM NUMBER OF OFF-STREET PARKING SPACES</b>

<b>Residential Uses</b>			
<u><b>Group Living</b></u>	<u>P</u>		<u>1 per 3 rooms</u>
<b>3. No Change</b>			

**Staff Explanation:** This change will allow a Commercial Parking Lot as a permitted use in the MV zoning district with conditions. This change also establishes a density for a Bed and Breakfast use and for Interval Occupancy uses.

I. Mitchelville (MV) District

<b>MV Mitchelville District</b>			
<b>1. No Change</b>			
<b>2. Allowable Principal Uses</b>			
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF- STREET PARKING SPACES
<b>Vehicle Sales and Services</b>			
<u><b>Commercial Parking Lot</b></u>	<u>PC</u>	<u>Sec. 16-4-102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>
<b>3. No Change</b>			
<b>TABLE NOTES:</b> P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b>dwelling units</b> ; sf = square feet; GFA = <b>gross floor area</b> in square feet; ft = feet; n/a = not applicable			
<b>3. Development Form Standards</b>			

MAX. DENSITY (PER NET ACRE)		LOT COVERAGE		
Residential	12 du		Max. <i>Impervious Cover</i>	35%
<u><i>Bed and Breakfasts</i></u>	<u>10 rooms</u>			
<i>Hotel</i>	35 rooms		Min. <i>Open Space</i> for Major Residential <i>Subdivisions</i>	16%
<u><i>Interval Occupancy</i></u>	<u>12 du</u>			
Nonresidential	8,000 GFA			
<b>MAX. BUILDING HEIGHT</b>				
<i>All Development</i>	75 ft			
<b>USE AND OTHER DEVELOPMENT STANDARDS</b>				
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.				
<p align="center"><b>TABLE NOTES:</b></p> <p>P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <i>dwelling units</i>; sf = square feet; GFA = <i>gross floor area</i> in square feet; ft = feet; n/a = not applicable</p>				

J. – K. No Changes

**Staff Explanation:** This change will allow a Commercial Parking Lot as a permitted use in the RD zoning district with conditions. This change also establishes a density for a Bed and Breakfast use and for Interval Occupancy uses.

L. Resort Development (RD) District

<b>RD Resort Development District</b>			
1. No Change			
2. Allowable Principal Uses			
		<b>USE-SPECIFIC CONDITIONS</b>	<b>MINIMUM NUMBER OF OFF- STREET PARKING SPACES</b>
<b>Vehicle Sales and Services</b>			
<u><b>Commercial Parking Lot</b></u>	<u>PC</u>	<u>Sec. 16-4-102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>
3. Development Form and Parameters			
<b>MAX. DENSITY (PER NET ACRE)</b>		<b>LOT COVERAGE</b>	
Residential	16 du	Max. <i>Impervious Cover</i>	50%
<u><b>Bed and Breakfasts</b></u>	<u>10 rooms</u>		
<u><b>Interval Occupancy</b></u>	<u>16 du</u>		
<b>Hotel</b>	35 rooms	Min. <i>Open Space</i> for Major Residential <i>Subdivisions</i>	16%
Nonresidential	8,000 GFA		

MAX. BUILDING HEIGHT	
<i>Non Single-Family Development</i> on property landward of South Forest Beach Drive	60 ft
All Other <i>Non Single-Family Development</i>	75 ft
<i>Single-Family Development</i>	45 ft
USE AND OTHER DEVELOPMENT STANDARDS	
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.	
<p><b>TABLE NOTES:</b></p> <p>P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b>dwelling units</b>; sf = square feet; GFA = <b>gross floor area</b> in square feet; ft = feet; n/a = not applicable</p>	

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**Staff Explanation:** This change will allow a Commercial Parking Lot as a permitted use in the SPC zoning district with conditions. This change will also add multi-level self-service storage as an allowed use with conditions in the SPC zoning district and establish a maximum density for this use.

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M. Sea Pines Circle (SPC) District

<b>SPC</b> <b>Sea Pines Circle District</b>
1. No Change
2. Allowable Principal Uses

		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
<b>Vehicle Sales and Services</b>			
<u>Commercial Parking Lot</u>	PC	<u>Sec. 16-4-102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>
<b>Industrial Uses</b>			
<u>Multi-Level Self-Service Storage</u>	PC	<u>Sec. 16-4-102.B.9.c</u>	<u>1 per 15,000 GFA of storage and office area</u>
<b>3. Development Form Standards</b>			
MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Residential <sup>1</sup>	12 du	Max. <i>Impervious Cover</i>	60%
Nonresidential <sup>2</sup>	10,000 GFA	Min. <i>Open Space</i> for Major Residential <i>Subdivisions</i>	16%
MAX. BUILDING HEIGHT			
All <i>Development</i>	45 ft <sup>2 3</sup>		
<b>USE AND OTHER DEVELOPMENT STANDARDS</b>			
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.			
<b>TABLE NOTES:</b>			
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b>dwelling units</b> ; sf = square feet; GFA = <b>gross floor area</b> in square feet; ft = feet; n/a = not applicable			
1. No Change			

<p>2. <u>The maximum density for multi-level self-service storage shall be 55,000 GFA.</u></p> <p>± 3. May be increased by up to ten percent on demonstration to the <b>Official</b> that:</p>
<p>a. - f. No Change</p>

**Staff Explanation:** This change will allow a Commercial Parking Lot as a permitted use in the S zoning district with conditions. This change also establishes a density for a Bed and Breakfast use.

N. Stoney (S) District

<p><b>S</b></p> <p><b>Stoney District</b></p>			
<p><b>1. No Change</b></p>			
<p><b>2. Allowable Principal Uses</b></p>			
		<p><b>USE-SPECIFIC CONDITIONS</b></p>	<p><b>MINIMUM NUMBER OF OFF- STREET PARKING SPACES</b></p>
<p><b>Vehicle Sales and Services</b></p>			
<p><u><b>Commercial Parking Lot</b></u></p>	<p><u>PC</u></p>	<p><u>Sec. 16-4-102.B.8.d</u></p>	<p><u>See Sec. 16-5-107.D.2</u></p>
<p><b>Gas Sales</b></p>	<p>PC</p>	<p>Sec. 16-4-102.B.8.d</p>	
<p><b>3. Development Form and Parameters</b></p>			
<p><b>MODIFIED ADJACENT STREET AND USE SETBACK STANDARDS</b></p>			
<p>Adjacent Street Setback</p>	<p>No Change</p>		

Adjacent Use Setback	No Change			
<b>MAX. DENSITY (PER NET ACRE)</b>			<b>LOT COVERAGE</b>	
Residential	10 du		Max. <i>Impervious Cover</i>	50%
<u><i>Bed and Breakfasts</i></u>	<u>10 Rooms</u>			
<i>Hotel</i>	35 rooms		Min. <i>Open Space</i> for Major Residential <i>Subdivisions</i>	16%
Nonresidential	7,000 GFA			
<b>MAX. BUILDING HEIGHT</b>				
All <i>Development</i>	45 ft <sup>1</sup>			
<b>USE AND OTHER DEVELOPMENT STANDARDS</b>				
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.				
<p align="center"><b>TABLE NOTES:</b></p> <p>P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b><i>dwelling units</i></b>; sf = square feet; GFA = <b><i>gross floor area</i></b> in square feet; ft = feet; n/a = not applicable</p> <p>1. May be increased by up to ten percent on demonstration to the <b><i>Official</i></b> that:</p>				
a. - f. No Change				

**Staff Explanation:** This change will allow a Commercial Parking Lot as a permitted use in the WMU zoning district with conditions. This change also establishes a density for a Bed and Breakfast use and for Interval Occupancy uses.

O. Waterfront Mixed-Use (WMU) District

WMU Waterfront Mixed-Use District				
<b>1. No Change</b>				
<b>2. Allowable Principal Uses</b>				
		<b>USE-SPECIFIC CONDITIONS</b>	<b>MINIMUM NUMBER OF OFF- STREET PARKING SPACES</b>	
<b>Vehicle Sales and Services</b>				
<u><b>Commercial Parking Lot</b></u>	<u>PC</u>	<u>Sec. 16-4-102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>	
<b>3. Development Form Standards</b>				
<b>MAX. DENSITY (PER NET ACRE)</b>			<b>LOT COVERAGE</b>	
Residential	16 du		Max. <b><i>Impervious Cover</i></b>	50%
<u><b>Bed and Breakfasts</b></u>	<u>10 rooms</u>			
<b>Hotel</b>	35 rooms		Min. <b><i>Open Space</i></b> for Major Residential <b><i>Subdivisions</i></b>	16%
<u><b>Interval Occupancy</b></u>	<u>16 du</u>			

Nonresidential	8,000 GFA		
<b>MAX. BUILDING HEIGHT<sup>2</sup></b>			
All <i>Development</i>	75 ft		

**USE AND OTHER DEVELOPMENT STANDARDS**

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

**TABLE NOTES:**

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = *dwelling units*; sf = square feet; GFA = *gross floor area* in square feet; ft = feet; n/a = not applicable

1. No Change
2. No Change

## CHAPTER 16-4: USE STANDARDS

### Sec.16-4-102. – Principal Uses

#### A. Principal Use Table

##### 1. - 5. No Changes

**Staff Explanation:** This change will allow Group Living as a permitted by right use in the MED zoning district, add Commercial Parking Lot as a permitted by condition use in the CR, CC, LC, IL, MF, MV, RD, SPC, S and WMU zoning districts and add Multi-Level Self-Service Storage as a permitted by condition use in the LC, IL and SPC zoning districts.

##### 6. Principal Use Table

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																					
P = Permitted by Right    PC = Permitted Subject to Use-Specific Conditions																					
SE = Allowed as a Special Exception    Blank Cell = Prohibited																					
USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS											USE-SPECIFIC CONDITIONS	
	CON	PR	RS F-3	RS F-5	RS F-6	R M -4	R M -8	R M -12	CR	SPC	CC	MS	WMU	S	MF	MV	NC	LC	RD		MED
<b>RESIDENTIAL USES</b>																					
<i>Group Living</i>						P	P	P					P						P	<u>P</u>	
<b>VEHICLE SALES AND SERVICES</b>																					



a. – b. No Changes

**c. Multi-Level Self-Service Storage**

**Multi-level self-service storage** facilities shall comply with the following conditions:

- i. The only **uses** allowed **on-site** shall be the rental of storage bays, the pickup and deposit of goods or property in dead storage, and limited incidental sales of storage and moving materials (e.g., boxes, tape).
- ii. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or **repair** vehicles, small engines or electrical equipment, or conduct similar **repair** activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.
- iii. The structure shall be set back a minimum of 200' from any arterial road.
- iv. There is a maximum of up to 35,000 GFA per floor.

In addition, multi-level self-service storage facilities in the LC and SPC Districts shall comply with the following conditions:

- i. All storage units and all property stored on the site shall be contained entirely within the building.
- ii. There shall be no outside storage of vehicles or other goods.
- iii. There shall be no exterior functional storage doors on the ground level. Storage doors serving individual storage units shall be located so as to only be accessible to the interior of the enclosed buildings.

**e d. Self-Service Storage**

**Sec. 16-4-103. Accessory Uses and Structures**

**A. – D. No Changes**

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**Staff Explanation:** This change will allow divisible dwelling units (lock-outs) as an accessory use to an interval occupancy (timeshare) use.

---

**E. Use-Specific Conditions for Accessory Uses and Structures**

- 1. No Change**
- 2. Divisible Dwelling Unit**

A divisible dwelling unit incorporating lock-out rooms is allowed as an accessory use to a multifamily dwelling or interval occupancy unit if it complies with the following conditions:

- a. The unit shall have a separate outside entrance serving the lock-out rooms.
- b. The lock-out rooms may not exceed 75 percent of the gross floor area of the entire dwelling.
- c. Each lock-out room in a divisible dwelling unit shall count as  $\frac{1}{2}$  dwelling unit in addition to the one dwelling unit counted for the entire divisible dwelling.

## CHAPTER 16-5: DEVELOPMENT AND DESIGN STANDARDS

### Sec.16-5-102. - Setback Standards

A. – B. No Changes

**Staff Explanation:** This change establishes a specific street setback for multi-level self-service storage uses.

### C. Adjacent Street Setback Requirements

Unless expressly exempted or modified in this subsection or for the CR, S, and IL Districts in Chapter 16-3: Zoning Districts, all portions of a **structure** shall be located to the interior of the vertical and angled planes established by the applicable minimum setback distance from an adjacent street and maximum setback angle shown in Table 16-5-102.C, Adjacent Street Setback Requirements, based on the proposed **use** and the classification of the **adjacent street**. (See Figure 16-5-102.C, Street Setback Angle.)

TABLE 16-5-102.C: ADJACENT STREET SETBACK REQUIREMENTS				
PROPOSED USE		MINIMUM SETBACK DISTANCE <sup>1</sup> / MAXIMUM SETBACK ANGLE <sup>2</sup>		
		ADJACENT STREET (BY CLASSIFICATION)		
		MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
<b>Single-Family</b>	Structure > 24 in high	50 ft <sup>3,4</sup> /75°	40 ft <sup>3,4</sup> / 70°	20 ft <sup>3,4</sup> /60°
	Structure ≤ 24 in high	50 ft <sup>3,4</sup> /n/a	30 ft <sup>3,4</sup> /n/a	10 ft <sup>3,4</sup> /n/a
All Other <b>Uses</b> <sup>5</sup>		50 ft <sup>3,4</sup> /75°	40 ft <sup>3,4</sup> /70°	20 ft <sup>3,4</sup> /60°
NOTES: in = inches ft = feet ° = degrees 1. - 4. No Change				
<del>5. The minimum adjacent street setback for <b>multi-level self-service storage buildings</b> shall be 200 feet.</del> All multi-level self-service structures shall be set back a minimum of 200' from any arterial road.				

---

**Staff Explanation:** This will change the required stacking distance for elementary and middle schools to be in compliance with SCDOT standards.

---

**Sec. 16-5-107. Parking and Loading Standards**

**A. – H. No Changes**

**I. Vehicle Stacking Distance for Drive-Through and Related Uses**

**1. Required Stacking Distance**

*Driveways* on which vehicles queue up to *access a drive-through* facility or similar service facility, or a drop-off or pick-up zone, shall provide at least the minimum stacking distance behind the facility or zone in accordance with Table 16-5-107.I.1, Minimum Stacking Distance for Drive-Through and Related Uses.

TABLE 16-5-107.I.1: MINIMUM STACKING DISTANCE FOR DRIVE-THROUGH AND RELATED USES		
USE OR ACTIVITY <sup>1</sup>	MINIMUM STACKING DISTANCE	MEASURED FROM
School, elementary or middle	<del>200</del> <u>1,500 – 2,000 ft</u>	Back end of the designated drop-off/pick- up zone
NOTES: ft = feet 1. – 2. No Change		

---

**Staff Explanation:** This change makes significant modifications to the stormwater section.

---

**Sec. 16-5-109. Stormwater Management and Erosion and Sedimentation Control Standards**

A. No Change

B. Applicability

---

**Staff Explanation:** This change clarifies what activities are covered by the stormwater section, and ensures that the LMO meets the requirements of the Town's NPDES MS4 Permit.

---

1. General

Except as otherwise provided in paragraph 2 below, this section applies to all ~~development~~. This section applies to all land disturbing activity that disturbs 1/2 acre or greater of land and all development that is within 1/2 mile of coastal receiving waters, regardless of disturbed area. Additionally, this section applies to any project or activity that is part of a Larger Common Plan, regardless of size. Exceptions to these requirements are listed in sub-section 2 below.

---

**Staff Explanation:** This change clarifies what activities are exempt from stormwater requirements, in accordance with NPDES requirements.

---

2. Exceptions

The following ~~development~~ activities are exempt from the standards in this section:

- a. **Development** exempt from Development Plan Review in accordance with Sec. 16-2-103.G.3, Exemptions, with the exception of public street or minor utility construction;
- b. No Change
- c. ~~Development that does not disturb more than a total of 1/2 acre of **land** or alter or disrupt existing drainage patterns;~~
- d. - f. No Change

---

**Staff Explanation:** This change adds a section that explicitly states the submittal requirements for applicable projects. It adds a requirement for all covered land disturbing activities to obtain a newly developed Land Disturbance Permit. This improves regulatory coverage for the entire lifespan of a project - ground breaking to complete finished condition. This change addresses issues that were arising from demolition projects and subdivision projects. Previously erosion control requirements were not applied to demolition-only projects, even though those are land disturbances. For subdivisions, it extends erosion control requirements beyond the C of C for infrastructure to the entire life of the project, including during the house building phase. This change also gives staff

better ability to track projects that require stormwater management. No additional fees are anticipated for the Land Disturbance Permit, it will be one additional simple form for the applicant.

---

### **C. Submittal Requirements**

#### **1. Land Disturbance Permit**

All applicants/developers for land disturbing activities covered by this section, as described in subsection B above, must submit an application for a Land Disturbance Permit. Permit approval is required prior to commencing any land disturbing activities and coverage remains in effect until final stabilization on the entire site has been achieved.

a. Land disturbing activities may not commence until initial erosion and sedimentation controls have been installed and verified during a pre-clear inspection conducted by Town staff.

b. Once final stabilization has been achieved, Town staff will conduct a final site inspection to verify that all land disturbing activities are complete and the site is properly stabilized.

---

**Staff Explanation:** This change clarifies when a stormwater management plan is required, and also clarifies submittal requirements for redevelopment projects in areas that have an existing master planned system.

---

#### **2. Stormwater Management Plan**

All applicants/developers for activities covered by this section, as described in subsection B above, must submit a stormwater management plan and report that demonstrates compliance with the standards and design requirements of this section.

In the case of redevelopment within a previously approved planned unit development whereby the applicant desires to use off-site detention and or retention, sufficient documentation and calculations sufficient to certify compliance with the current standards and design requirements of this section must be submitted.

### **C D. General Standards for Stormwater Management**

1. – 5. No Change

---

**Staff Explanation:** This change eliminates the requirement of no discharges into tidal or freshwater wetlands. Staff considers this a non-enforceable requirement, as a good number of discharges on

the island are directed to some sort of wetland. The important requirement is that existing wetlands can't be used for detention purposes, which is addressed elsewhere.

---

6. Direct Discharges onto Beaches and into Wetlands and Water Bodies
  - a. No Change
  - b. ~~No direct stormwater discharge shall be permitted into tidal or freshwater wetlands unless approved by the Town Engineer.~~
  - e b. No Change
7. – 11. No Change

#### **D E. Drainage Design Standards**

1. General
    - a. – c. No Change
    - d. Engineering Checklist
- 

**Staff Explanation: This change clarifies what the Engineering Checklist contains.**

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~~Detailed design standards for all~~ Basic requirements for stormwater management systems plans and calculations required by this section can be found in the Engineering Checklist maintained by the Town Engineer.

2. No Change
  3. On-Site Retention of First Inch of Runoff
    - a. – c. No Change
- 

**Staff Explanation: This change updates retention/water quality requirements for *redevelopment* projects to provide some more flexibility when on-site retention is a hardship. The committee asked if the option to use the County BMP manual could be applied to new development also, instead of as originally intended here, an alternative on re-development sites. Section 4.2.5.2.2 of the Town's NPDES Permit states. "The first inch of runoff must be addressed" for new development. Staff can pursue further interpretation from SCDHEC, but our concern is that by offering an alternative to explicit retention of the first inch of runoff may cause the Town to be deemed in violation of permit compliance. It is for this reason we recommend maintaining the current language.**

---

- d. Redevelopment projects for which existing facilities do not meet current standards can choose between providing on-site retention of the first inch of runoff from all impervious surfaces or meeting the water quality performance requirements found in

the latest edition of the Beaufort County Manual for Stormwater Best Management and Design Practices.

e. Off-site retention may be allowed in cases where permanent drainage easements are recorded.

4. – 8. No Change

#### **F F. Inspection and Certification of Construction**

#### **F G. As-Built Survey**

---

**Staff Explanation:** This change clarifies that the contents of the as-built survey must be post-construction.

---

1. Before issuance of a Certificate of Compliance, the *applicant* shall submit to the Town Engineer ~~an a post-construction~~ *as-built survey* prepared and certified by a South Carolina professional *land* surveyor that accurately identifies and depicts the horizontal location of all property corners, *easements*, and the horizontal and vertical locations of all *on-site improvements*. The *as-built survey* shall show:
  - a. – c. No Change
2. No Change

---

**Staff Explanation:** This change replaces the need for hard copy as-built surveys with PDF formats.

---

3. The *as-built survey* shall be submitted ~~in the form of two sets of hard copy, sealed prints at a legible scale~~ PDF format with surveyor's seal, and the digital file in AutoCAD 2007 format or newer.

#### **G H. Drainage Easements**

1. General

---

**Staff Explanation:** This change adds the explicit requirement of when drainage easements are required. A definition for Drainage Infrastructure has been added.

---

*Drainage Infrastructure* within the limits of the *development* that is not located in a platted street right of way and conveys off-site storm water runoff shall be placed in a permanent drainage easement. *Developments* shall provide adequate *access* for *maintenance* and *improvement* of the drainage easement and required stormwater management facilities.

2. – 4. No Change

#### **H I. Maintenance of Stormwater Management Facilities and Easements**

1. No Change

2. Operation and Maintenance Agreement

Where drainage *easements* and *stormwater management facilities* are to be privately operated and maintained, the *applicant* shall obtain *Town* approval of a DHEC Operation and Maintenance Agreement ensuring adequate and perpetual operation and *maintenance* of the *easements* and facilities by the *developer* or a homeowners' or property owners' association. In addition to meeting DHEC requirements, the operation and *maintenance* agreement shall:

a. – b. No Change

---

**Staff Explanation: Staff Explanation:** This change adds the requirement for the permanent maintenance agreement to include a plan and schedule for regular inspections and maintenance by the responsible party. This addition reflects requirements in the Town's NPDES MS4 permit. An audience member thought annual submittals of the inspection and maintenance reports may be too burdensome on the owner/operator of the facilities, however the reports must be available upon requests at anytime and a set deadline should help serve as a reminder to ensure they are not ignored. Staff does not think annual report submittals are too burdensome, but will acquiesce to a requirement of every two years. It is very important that the facilities are inspected and maintained. Sections 4.2.5.4 of the NPDES Permit states that the Town must require the owners or operators to provide verification of maintenance of their stormwater control measures installed to comply with performance standards. The Town will provide a standard inspection form and maintenance log to be used by the owner/operator.

---

c. The agreement shall include an inspection and maintenance plan that, at minimum, requires annual inspections of the facility and maintenance of any deficiencies found during such inspection. The property owner or responsible party shall keep written records of inspection and maintenance and shall provide them to the Town Engineer or his designee upon request (or every two years after the certificate of compliance is issued).

#### **H J. Erosion and Sedimentation Control**

---

**Staff Explanation:** This change will make it clear that signs on vehicles must only advertise the primary business for which the vehicle is used.

---

**Sec. 16-5-114. Sign Standards**

**A. – H. No Changes**

**I. Prohibited Signs**

**1 – 16. No Changes**

17. *Portable signs*, or any *sign* not permanently attached to the ground or other permanent *structure*, including but not limited to *signs* attached to or painted on vehicles or trailers advertising the business which the vehicle is used to conduct, either parked or being driven, and visible from the *right-of-way*, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business, except that sandwich boards, chalkboards, and other *signs* that are specifically allowed under this section are exempt.

## **CHAPTER 16-6: NATURAL RESOURCE PROTECTION**

### **16-6-103. Beach and Dune Protection**

#### **A. – E. No Changes**

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**Staff Explanation:** This change will establish an actual height to which dune vegetation can be trimmed.

---

#### **F. Development on Dunes**

##### **1. – 2. No Changes**

##### **3. View Corridors**

Dune vegetation may be removed or selectively pruned to 4 feet to establish view corridors to the *beach*, in accordance with the following standards:

- a. To the *maximum extent practicable*, view corridors shall be located where the least amount of native *dune* vegetation is required to be removed or pruned (i.e., where little *dune* vegetation exists or where existing vegetation is non-native), and the pruning of *trees* and vegetation *adjacent* to the corridor can be done in a manner that maintains the health of such *trees* and other vegetation.
- b. No healthy *specimen tree* may be removed to create a view corridor. Selective pruning of *trees* (including *specimen trees*) is allowed, in accordance with accepted International Society of Arboriculture practices.
- c. Any *trees* removed shall be cut flush with existing *grade* and their root systems left intact. All removed vegetation shall be replaced with shrubs or other low-growing vegetation (not turf) that will enhance the stabilization of the *dune system*.

### **Sec. 16-6-104. Tree Protection**

#### **A. – C. No Changes**

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**Staff Explanation:** This change will add in some flexibility for property owners who want to maintain their vacant property.

---

#### **D. Pre-Construction Underbrushing**

### **Alternative 1**

No *underbrushing* of property other than public utility *easements* or between rows of trees planted for harvesting purposes shall occur before a *building* permit is issued unless approved by the *Official* as in compliance with this section.

1. *Applicants* for final *development* approval shall schedule an *on-site* inspection with the *Official* to explain the extent and purpose of the *underbrushing* activity. Purposes that will be considered justification for pre-development *underbrushing* activity include showing property for sale and facilitating surveying work in very densely vegetated areas.
2. In all cases, *applicants* shall be required to maintain all vegetation in required buffers except for a six-foot-wide path providing *access* to the interior of the property. Such buffer areas shall be clearly marked and protected prior to the commencement of the *underbrushing* activity.
3. The intent of this provision is to retain suitable species of native understory that can be incorporated into landscape plans and *development* plan approvals so as to conserve water, preserve indigenous plant species and dependent wildlife species, protect wildlife habitat, and save the *applicant* landscaping and irrigation costs.
4. Following the receipt of final *development* approval, the *applicant* shall work with the *Official* to preserve understory in the front and side buffers.
5. Any *property owner* who fails to abide by this restriction shall be required to restore the affected property to a condition as close to its original condition as practicable.

## Alternative 2

### 1. Applicability

No person shall underbrush property without first receiving approval of a Natural Resources Permit in accordance with the procedures and standards of Sec. 16-2-103.K, Natural Resources Permit, and the standards of this section.

~~No *underbrushing* of property other than public utility *easements* shall occur before a *building* permit is issued unless approved by the *Official* as in compliance with this section.~~

### 2. General Standards

a. Staff will apply the most restrictive buffer requirements that will apply to the subject parcel based on the use (Sec. 16-5-103.E), the street (Sec. 16-5-103.D) or the type of adjacent development (Sec. 16-6-102.B).

- ~~1. *Applicants* for final *development* approval shall schedule an *on-site* inspection with the *Official* to explain the extent and purpose of the *underbrushing* activity. Purposes that will be considered justification for pre-development *underbrushing* activity include showing property for sale and facilitating surveying work in very densely vegetated areas.~~
- ~~2 b. In all cases, *Applicants* shall be required to maintain all vegetation in required buffers except for a six-foot-wide path providing *access* to the interior of the property. Such buffer areas shall be clearly marked and protected prior to the commencement of the~~

*underbrushing* activity. Protected size trees shall not be removed without permission of the Official.

3. ~~The intent of this provision is to retain suitable species of native understory that can be incorporated into landscape plans and *development* plan approvals so as to conserve water, preserve indigenous plant species and dependent wildlife species, protect wildlife habitat, and save the *applicant* landscaping and irrigation costs.~~
4. ~~Following the receipt of final *development* approval, the *applicant* shall work with the *Official* to preserve understory in the front and side buffers.~~
5. ~~c. Any *property owner* who fails to abide by this restriction shall be required to restore the buffers affected property to a condition as close to its original condition as practicable.~~

3. Exemptions:

The following are exemptions from the standards in this section and the requirement for a Natural Resources Permit:

- a. public utility easements;
- b. a parcel with two dwelling units or whose density allows no more than two dwelling units;  
and
- c. property for which a building permit has been issued.

---

**Staff Explanation:** State and Federal approvals are rarely required for the removal of a specimen tree so this change will indicate that.

---

## F. Specimen Tree Preservation

### 1. No Changes

### 2. General Requirements

#### a. No Changes

b. If preservation of a *specimen tree* causes unnecessary hardship, the *applicant* may apply for a variance from this subsection (see Sec. 16-2-103.S, Variance) once any required *State* or federal government agency approval, if applicable, to remove the *tree* is received in writing.

---

**Staff Explanation:** Tree coverage requirements are based on the impervious coverage requirements of the underlying zoning district. There is no impervious coverage requirement for the CR (Coligny Resort) district so this change establishes an impervious coverage for the CR district solely for the purpose of figuring out tree coverage.

---

## E. – F. No Changes

**G. Minimum Tree Coverage Standard**

**1. Applicability**

- a. All new **development** except for the **construction** of any public **street**, pathway, drainage project, single family subdivision, athletic field, airport runway, golf course or minor utility and the redevelopment or alteration of existing **development** (see subparagraph b below) shall include at least 900 adjusted caliper inches (ACI) of **trees** per acre of **pervious** surface area. **Pervious** surface area equals the **gross acreage** less the maximum **impervious cover** required for the proposed **development**. In the case of development in the CR zoning district, the maximum impervious coverage solely for the purposes of this section shall be 80%.
- b. Redevelopment or alteration of existing **development** shall have the option of meeting the standard in subparagraph a above or meeting replacement requirements in Sec. 16-6-104.I, Standards for Supplemental and Replacement Trees, based on **trees** removed by **tree** category.
- c. For the construction of any public **street**, pathway, drainage project, single family subdivision, athletic field, airport runway, golf course or minor utility the applicant shall make all reasonable efforts to save significant trees and stands of trees. In these cases, at the discretion of the official, a centerline field inspection may relieve the applicant of the tree survey requirement. Reasonable tree replanting may be required by the Official for these uses.

*Example: A 2-acre site in a PR, Parks and Recreation District, is permitted a maximum impervious surface coverage of 45 percent or 0.9 acres. This leaves 1.1 acres of pervious surface. Multiplied by 900 adjusted caliper inches (ACI), it gives a site standard of 990 adjusted caliper inches which must be met post-development.*

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**Staff Explanation:** This change clarifies which standards should be used to measure trunk diameter.

---

**H. No Changes**

**I. Standards for Supplemental and Replacement Trees**

**1. – 3. No Changes**

TABLE 16-6-104.I.3: MINIMUM PLANTING SIZE FOR SUPPLEMENTAL AND REPLACEMENT TREES		
TREE CATEGORY	MINIMUM HEIGHT (FEET)	MINIMUM TRUNK DIAMETER (INCHES) <u>(USING ANSI STANDARDS)</u>

Category I	10	2
Category II	10	2
Category III	6	1
Category IV	6	1

**J. – K. No Changes**

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**Staff Explanation:** This change fixes an error in this section that refers to setback instead of buffer standards.

---

**L. Tree Mitigation Fee**

**1. No Change**

**2. Airport**

On Hilton Head Island Airport property, the *Official* may allow a *tree* mitigation fee payment to be paid in lieu of the replacement of *trees* removed from beneath the side and approach slopes to the airport runway on determining that adequate buffers are being established in addition to those required in Sec. 16-5-102~~3~~, ~~Setback~~ Buffer Standards, and Sec. 16-6-102.D, Wetland Buffer Standards.

## **CHAPTER 16-10: DEFINITIONS, INTERPRETATION AND MEASUREMENT**

### ***Sec.16-10-103. Use Classifications, Use Types and Definitions***

A. – H. No Changes

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**Staff Explanation:** This change establishes a definition for a new use, multi-level self-service storage.

---

#### I. Industrial Uses

##### • **Multi-Level Self Service Storage**

An enclosed multi-level establishment providing individual, self-contained units or areas leased to individuals, organizations, or businesses for **multi-level self-service storage** of household and personal property. The storage units or areas are designed to allow private **access** by the tenant for storing or removing personal property. The **use** does not include a transfer and storage business not involving individual storage areas and businesses where employees are the primary movers of property being stored or transferred (an **Industrial, Manufacturing, and Warehouse Use**). **Accessory uses** may include leasing offices and incidental sales or rental of moving supplies and equipment. Use of the storage areas for sales, service, **repair**, or manufacturing operations is not considered accessory to **multi-level self-service storage**. The rental of trucks or equipment is also not considered accessory to the **use**.

#### 16-10-105. General Definitions

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**Staff Explanation:** This change adds in that lock out units can be an accessory use to an interval occupancy use. Additionally it fixes the size to be in conformance with the conditions related to this use.

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##### • **Divisible Dwelling Unit**

A **dwelling unit** in a **multifamily** residential or **interval occupancy development** that includes one or more lock-out bedrooms that can be physically closed or locked off from the remainder of the **dwelling**. Such units must have a bathroom. Size is limited to ~~50~~ 75 percent of the **gross floor area** of the entire **dwelling** square footage of the remaining base unit.

---

**Staff Explanation:** This change adds definitions for certain terms used in section 16-5-109 – Stormwater Management and Erosion and Sediment Control Standards.

---

### **Coastal Receiving Waters**

The navigable waters of the United States subject to the ebb and flood of the tide and which are saline waters, shoreward to their mean high-water mark.

### **Drainage Infrastructure**

The physical components of the storm water conveyance and treatment systems which may include pipes, ditches, inlet structures, junction boxes, ponds, weirs, and others.

### **Final Stabilization**

1. All soil disturbing activities at the site have been completed and either of the two following criteria are met:

a. a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or

b. equivalent permanent stabilization measures (such as the use of riprap or geotextiles) have been employed.

2. When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent ( $0.70 \times 0.50 = 0.35$ ) would require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.

3. For individual lots in residential construction, final stabilization means that either:

a. The homebuilder has completed final stabilization as specified above, or

b. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.

### **Land Disturbance Permit**

A separate permit that is required of any land disturbing activity subject to the section 16-5-109 - Stormwater Management and Erosion and Sedimentation Control Standards

## **Larger Common Plan**

A Larger Common Plan (LCP) is "broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot."

63 Federal Register No. 128, July 6, 1998, p. 36491

For example, if master calculations have been prepared and/or submitted for an entire site, then all phases and parcels at that site would be considered part of an LCP. If the site is part of a subdivision, industrial park, commercial park, etc., then it is considered to be part of an LCP.

Any land-disturbing activities, including clearing, grading or excavating, on any site considered part of a Larger Common Plan, based on the definition above, would be required to obtain coverage under the NPDES Construction General Permit even if the land-disturbing activities resulted in a disturbed area of less than one (1) acre.

## **Stormwater Management Facilities**

The permanent drainage infrastructure that is designed, constructed, maintained, and utilized to meet the post-construction stormwater management standards of the Town and the State. May also be referred to as structural best management practices.

---

**Staff Explanation:** This change establishes a definition for invasive species which is now referenced in the LMO.

---

### **• Invasive Species**

Non-native plants that are likely to spread, disrupting the natural balance of an ecosystem, often causing the loss of native species.

## APPENDIX D: APPLICATION SUBMITTAL REQUIREMENTS

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**Staff Explanation:** There have been some concerns expressed by the public about the cost of providing a boundary survey as part of a ZMA. This change removes this requirement.

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### D-1. Zoning Map Amendment

#### A. General Submittal Requirements

1. An **application** form as published by the **Official** and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees, and shall include the following:
  - a. A narrative addressing the reasons for the requested zoning map amendment and addressing the applicable review criteria set forth in Sec. 16-2-103.C.3, Zoning Map Amendment (Rezoning) Review Standards.
  - ~~b. A boundary map of the subject property at a scale of 1"=50' prepared and sealed by a registered **land** surveyor.~~
  - c. Where applicable, a copy of correspondence illustrating that the **applicant** has solicited written comments from the appropriate property owners' association regarding the requested amendment. Such correspondence shall encourage the association to direct any comments in writing to the **Official** and the **applicant** within 14 calendar days of receipt of the notification.
  - d. A copy of the proposed Mailed Notice as required by Sec. 16-2-103.C.2.d, Hearing Scheduling and Notice.